

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	Case No. 16-21390-GLT
	:	Chapter 13
BERNARD J. WETZEL	:	
CHERYL A. WETZEL,	:	
	:	
Debtor.	:	
	:	
BRZUSTOWICZ & MAROTTA, P.C.,	:	Related to Dkt. No. 104
	:	
Movant,	:	
	:	
v.	:	
	:	
NO RESPONDENT.	:	
	:	
	:	

**ORDER**

After a preliminary review of *the Motion for Payment of Attorneys' Fees Held by Chapter 13 Trustee Pursuant to Chapter 13 Plan and Transfer Balance of Funds from the Chapter 13 Trustee to Chapter 7 Trustee* [Dkt. No. 104], filed by Brzustowicz & Marotta, P.C., counsel for the Debtors, Bernard J. Wetzel and Cheryl A. Wetzel (the "motion") [Dkt. No. 104], the Court questions whether the requested relief can be granted in light of recent Supreme Court precedent. Although the Court fully appreciates counsel's desire to be paid for the legal services provided in this case, it would appear that any discretion the Court previously had in this area was eliminated by the Supreme Court's holding in Harris v. Viegelahn, 135 S. Ct. 1829, 191 L.Ed2d 783(2015). Accordingly, to the extent counsel intends to proceed with this *motion*, they shall file a supplemental legal memorandum that addresses the application of Harris v. Viegelahn and its

progeny to the current facts. Any such supplement shall be filed by **July 14, 2017**.

Dated: June 28, 2017

  
\_\_\_\_\_  
GREGORY J. TADDONIO **cgt**  
UNITED STATES BANKRUPTCY JUDGE

Case administrator to mail to:  
Debtors  
Counsel for Debtors  
Rosemary C. Crawford, Esq.  
Office of the U.S. Trustee

## Imaged Certificate of Notice Page 3 of 3

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Bernard J Wetzel  
Cheryl A Wetzel  
DebtorsCase No. 16-21390-GLT  
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: amaz  
Form ID: pdf900Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jun 28, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Jun 30, 2017.

db/jdb +Bernard J Wetzel, Cheryl A Wetzel, 1750 Sillview Drive, Pittsburgh, PA 15243-1558

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 30, 2017

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on June 28, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor LSF8 Master Participation Trust bkgroup@kmlawgroup.com  
 James Warmbrodt on behalf of Creditor U.S. Bank National Association, not in its individual  
 capacity but solely as trustee for Maroon Plains Trust bkgroup@kmlawgroup.com  
 Jeffrey R. Hunt on behalf of Creditor Chartiers Valley School District jhunt@grblaw.com,  
 cnoroski@grblaw.com  
 Jeffrey R. Hunt on behalf of Creditor Township of Scott jhunt@grblaw.com, cnoroski@grblaw.com  
 John C. Brzustowicz on behalf of Debtor Bernard J Wetzel bmmlaw@brzmar.com  
 John C. Brzustowicz on behalf of Joint Debtor Cheryl A Wetzel bmmlaw@brzmar.com  
 Joseph A. Dessoie on behalf of Creditor LSF8 Master Participation Trust pawb@fedphe.com  
 Joseph P. Schalk on behalf of Creditor LSF8 Master Participation Trust pawb@fedphe.com,  
 joseph.schalk@phelanhallinan.com  
 Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
 Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
 ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.court  
 drive.com  
 Rosemary C. Crawford crawfordmcdonald@aol.com, PA68@ecfcbis.com  
 Ryan Harrison James on behalf of Spec. Counsel Ryan James ryan@rhjameslaw.com  
 S. James Wallace on behalf of Creditor Peoples Natural Gas Company, LLC sjw@sjwpgh.com,  
 srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 13